

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF CITY OF CYPRESS

These Comments are filed by the City of Cypress in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Cypress believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

Cypress is a City in the State of California with a population of 49,000. Our franchised cable providers currently include Comcast and Time Warner. Our community has negotiated cable franchises since 1984. The City estimates there are approximately 16,000 potential residential customers available to receive cable services from a desired cable operator.

Competitive Cable Systems

☐ Our community has never been approached by a competitive provider to provide service. We do note that our cable franchise agreements are non-exclusive and therefore, competitive providers are welcome to put forth an application to provide cable services to our community for our City Council to consider.

In 1984, the City of Cypress granted a 15-year cable franchise to Copley/Colony Cablevision of Cypress, Inc. This franchise has since been transferred four different times to various cable operators, the most recent operator being Comcast Cable.

In 1988, the City annexed a County Island whose area is under the cable operating system of Time Warner. The City currently does not have a franchise agreement with the cable operator and the area falls under the terms of the County's franchise agreement for that time period.

In December of 1999 the City's cable franchise expired and the City and the cable operator have not completed negotiations for a new franchise to date. Even though the franchise has expired, all terms, conditions and obligations of the franchise continue to be in effect and the City still continues to collect franchise fees from the operator.

Since 1999, the City and the two cable operators have been working to discuss terms for a renewed franchise.

Recently, the City of Cypress has taken action to deny without prejudice an application by Time Warner to transfer the cable franchise from Comcast to an entity ultimately controlled by Time Warner. This was done for two major reasons: First, because the City of Cypress believes that current law allows for a legitimate decline of approval of a franchise transfer until a renewal agreement has been reached. Secondly, through the City's due diligence on the matter, the findings stipulate that the applicant fails to demonstrate it has the legal, technical and financial abilities to provide the cable services which have a potential impact on rates and services for Cypress subscribers.

The City Council, along with its City staff, and its Cable Television Commissioners, continues to work with both cable operators in negotiating terms of a new franchise. Terms of specific importance to our City residents include PEG support, customer service standards that exceed the minimum requirements set by the FCC, and protections of the public right-of-way.

Conclusions

The local cable franchising process functions well in the City of Cypress. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Cypress therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,



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